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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,221

05/17/2005

Koichi Hosoi

MAT-8695US

1938

23122 7590 11/19/2008  
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EXAMINER

BASICHAS, ALFRED

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

11/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/535,221		HOSOI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Alfred Basichas		3743	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/05,6/9/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species VI in the reply filed on April 4, 2008, is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori (JP02234384), which shows all of the claimed limitations. For example,

1. A built-in heating cooker (see at least fig. 2) comprising: a top plate 16; a support 15 supporting the top plate from underneath; a top frame 17 covering an edge of the top plate; and a frame 11 constituting a cooker body; wherein the support has a cooker-supporting face (below 15) for supporting the cooker body, the cooker-supporting face being positioned at outside of a top plate-supporting face 15; a first opening 19 is provided on at least one side wall disposed between the top plate-supporting face and the cooker-supporting face; and a second opening (below 17) is provided on the top frame in a position corresponding to the first opening at a predetermined distance (see at least fig. 2).

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2. The built-in heating cooker as defined in claim 1, wherein a flange (below 15 and left of the cooker supporting face) is provided on a periphery of the frame; the side wall 19 of the support is positioned further inward of the cooker body than the flange end; and the flange and a frame-supporting face provided between the side wall and the cooker-supporting face are in contact (see at least fig. 2).

3. The built-in heating cooker as defined in claim 1, wherein the side wall (below 15 and a little to the right) is provided underneath the top plate (see at least fig. 2).

4. The built-in heating cooker as defined in claim 1, wherein a wall is provided on a periphery of the cooker-supporting face of the support (see at least fig. 2).

5. The built-in heating cooker as defined in claim 3, wherein a wall is provided on a periphery of the cooker-supporting face of the support (see at least fig. 2).

10. The built-in heating cooker as defined in claim 2, wherein the side wall is provided underneath the top plate (see at least fig. 2).

11. The built-in heating cooker as defined in claim 2, wherein a wall is provided on a periphery of the cooker-supporting face of the support (see at least fig. 2).

13. The built-in heating cooker as defined in claim 10, wherein a wall is provided on a periphery of the cooker-supporting face of the support (see at least fig. 2).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6-9, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (JP02234384) in view of Cobb (3,947,652). Hattori discloses substantially all of the claimed limitations, but fails to specifically recite the claimed sealing material provided to the circumference of the bottom face of the cooker. Cobb teaches a sealing material in the form of a gasket 40 disposed about the entire circumference of the bottom face of the cooker supporting face of the support (see at least col. 3, lines 30-37, and fig. 3).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

November 19, 2008

/Alfred Basichas/  
Primary Examiner, Art Unit 3743